

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

3/20/2007 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00189DAE
CASE NAME: USA v. (04)Michael Miyasato
ATTYS FOR PLA: Chris Thomas
ATTYS FOR DEFT: (04)Emmanuel Guerrero
USPO: Neil Tsukayama

JUDGE: David Alan Ezra

REPORTER: Debra Chun

DATE: 3/20/2007

TIME: 9:45am-9:55am(m/d)
9:55am-10:15am(sent)

COURT ACTION: EP: Sentencing to Counts 1 18, and 19 of the Indictment as to Defendant (04)Michael Miyasato. Government's Motion for Downward Departure.

Defendant (04)Michael Miyasato present in custody.

The Memorandum Plea Agreement is accepted.

Safety valve applies.

Government's Motion for Downward Departure-GRANTED.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant (04)Michael Miyasato.

SENTENCE:

Imprisonment: 51 MONTHS, as to Count 1, 48 MONTHS, as to Counts 18 and 19, with all such terms to run concurrently.

Supervised Release: 5 YEARS, as to of Count 1, 1 YEAR as to Counts 18 and 19, with all such terms to run concurrently.

CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.

2. Defendant shall not commit any federal, state, or local crimes.
3. Defendant shall not possess illegal controlled substances.
4. Defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase up to one valid drug test per day.
6. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. Defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. Defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. Defendant shall execute all financial disclosure forms and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special Assessment: \$300.00. No fine.

JUDICIAL RECOMMENDATIONS: Prison Camp in Sheridan, OR or another West Coast Prison Camp. 500 hour drug treatment program.

Defendant advised of his right to appeal. Defendant remanded to the custody of U.S. Marshals.

Government's Oral Motion to Dismiss All remaining Counts as to this Defendant Only - GRANTED.

Submitted by: Theresa Lam, Courtroom Manager